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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NATIONWIDE BIWEEKLY
ADMINISTRATION, INC., an Ohio
corporation; LOAN PAYMENT
ADMINISTRATION LLC, an Ohio limited
liability company; and DANIEL S. LIPSKY, an
individual;

Plaintiffs,

vs.

JOHN F. HUBANKS, Deputy District Attorney,
Monterey County District Attorney's Office, in
his official capacity; ANDRES H. PEREZ,
Deputy District Attorney, Marin County District
Attorney's Office, in his official capacity;
MONTEREY COUNTY DISTRICT
ATTORNEY'S OFFICE, a County agency; and
MARIN COUNTY DISTRICT ATTORNEY'S
OFFICE, a County agency,

Defendants.

) Case No. 14-cv-04420-LHK

) **NOTICE OF CONSTITUTIONAL**
) **QUESTION (FRCP 5.1)**

1 Pursuant to Federal Rule of Civil Procedure 5.1, plaintiffs Nationwide Biweekly
2 Administration, Inc., Loan Payment Administration LLC, and Daniel S. Lipsky (collectively,
3 “Nationwide”) state that on October 2, 2014, they filed a complaint and motion for preliminary
4 injunction against the above-captioned defendants seeking injunctive and declaratory relief against
5 the unconstitutional application of California Business & Professions Code § 14700 *et seq.* A true
6 and correct copy of the complaint is attached as **Exhibit 1** to this notice. A true and correct copy of
7 the motion for preliminary injunction is attached as **Exhibit 2** to this notice.

8
9 Dated: October 22, 2014

DAVIS WRIGHT TREMAINE LLP
BRUCE E. H. JOHNSON
THOMAS R. BURKE
NICOLAS A. JAMPOL

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12 By: /s/ Thomas R. Burke
13 Thomas R. Burke

14 Attorneys for Plaintiffs
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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Davis Wright Tremaine LLP, 865 South Figueroa Street, Suite 2400, Los Angeles, California 90017-2566.

On October 22, 2014, I served the foregoing document(s) described as:

NOTICE OF CONSTITUTIONAL QUESTION (FRCP 5.1)

on the interested parties in this action as stated below:

Office of the Attorney General
State of California Department of Justice
1300 "I" Street
Sacramento, CA 95814-2919

☒ (BY CERTIFIED MAIL–RETURN RECEIPT REQUESTED) By placing a true copy of the foregoing document(s) in a sealed envelope addressed as set forth on the attached mailing list. I placed the envelope for collection and mailing following ordinary business practices. I am readily familiar with this Firm's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited with the United States Postal Service on that same day, with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on October 22, 2014, at Los Angeles, California.

☒ Federal I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Dee Keegan

Print Name

/s/ Dee Keegan

Signature